IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9737 of 2002

Between:

The Toddy Co-Operative Society,

Repd. by President,M. Srinivas Goud,S/o Shankaraiah Goud,
R/o. Shamshiguda Village, Balanagar Mandal,
R.R.District.

..... PETITIONER

AND

The Prohibition & Excise Superintendent, Ranga Reddy District,
at Narayanaguda, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondent in not renewing the TCS licence of Shamshiguda village, Balanager Mandal, R.R.District, for the excise year 2002-2003 without reference to the criminal case pending against the petitioner society vide Crime No.235/2001-2002 of SHO, Excise, Balanagar, though the independent lab furnished the nil report vide proceedings RC.No.1803/SFC/2001, dt .15-11-2001, as illegal, unlawful and country to law and consequently, direct the respondent to renew the licence of the petitioner society for the excise year 2002-2003 without reference to the criminal case pending against the society.

Counsel for the Petitioner: MR.M.DAMODAR REDDY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Toddy Tappers Cooperative Society, Shamshiguda Village of Ranga Reddy District, seeks a writ of Mandamus directing the respondent to renew the licence of the petitioner for the excise year 2002-2003. The petitioner also seeks a declaration that the action of the respondent in not renewing the licence on the ground of pendency of a crime as illegal and arbitrary.

The petitioner-Society was granted licence, which is valid up to 31.03.2002. On 09.07.2001 the petitioner's shop was visited by the Officials, and samples were collected as per Rule 24 of the A.P. Excise (Arrack & Toddy licences General Conditions) Rules, 1969. It appears on an allegation that the petitioner was adulterating toddy with Chloral Hydrate and Diazepam, a crime being Crime No.235/2001-2002 of Excise Station , Balanagar, was registered. Be that as it is, when the petitioner submitted an application for renewal of licence, the respondent did not pass any orders. Therefore, the petitioner filed the present writ petition contending that the respondent is bound to pass orders on the renewal application without reference to the crime registered against the Society.

The petitioner sought for renewal of licence for the year 2002-2003. Therefore, at this point of time no orders can be passed directing the respondent to renew the licence for the year 2002-2003. Be that as it is, admittedly, a crime was registered against the petitioner alleging a serious offence of adulterating toddy with Chloral Hydrate and Diazepam, which are dangerous substances. For that reason, if the respondent declines to pass any orders on renewal application, the same cannot be termed as illegal or contrary.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

05.07.2005

vs

To

1. The Proh & Excise Superintendent, Ranga Reddy District,
   at Narayanaguda, Hyderabad.

2 Two CCs to the G.P for Prohibition and Excise, High Court of A.P., Hyderabad(O.U.T).

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